

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
NOEL CIAPPETTA,

Plaintiff,

-against-

BARRY SNYDER, PGD IV LLC, and PGT  
TRUCKING, INC.,

Defendants.  
-----X

**AZRACK, United States District Judge:**

For Online Publication Only

**ORDER**

15-CV-4427 (JMA) (ARL)

**FILED  
CLERK**

2/20/2020 4:22 pm

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

Plaintiff Noel Ciappetta (“Plaintiff”) commenced this action against defendants Barry Snyder, PGD IV LLC, and PGT Trucking, Inc. (“Defendants”) for injuries he sustained from a motor vehicle accident on November 19, 2014. (See ECF No. 1.) Defendants filed a motion for summary judgment, which I referred to Magistrate Judge Lindsay for a report and recommendation on December 4, 2019. Magistrate Judge Lindsay issued a report and recommendation dated January 9, 2020, recommending that Defendants’ motion be denied without prejudice (the “R&R”). (ECF No. 72.) Defendants filed a timely objection to the R&R. (ECF No. 74.)

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a review of the record, the R&R, and Defendants' objections. I agree with Judge Lindsay's finding in the R&R that Defendants failed to follow the directives of Local Rule 56.1. Accordingly, the Court DENIES Defendants' motion for summary judgment without prejudice. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

**SO ORDERED.**

Dated: February 20, 2020  
Central Islip, New York

\_\_\_\_\_  
/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE